



Dated: May 19, 2009
The following is SO ORDERED.


G. Harvey Boswell
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

IN RE:)	
)	
OPTIMA UNIVERSITY, LLC,)	CASE NO. 09-11212
)	Chapter 11
DEBTOR.)	

**AGREED ORDER ON MOTION FOR RELIEF
FROM AUTOMATIC STAY TO ALLOW CONTINUATION OF
PROSECUTION OF PENDING CIVIL ACTION FOR DAMAGES AND
INJUNCTIVE RELIEF**

1. Debtor Optima University, LLC ("Debtor") filed this Chapter 11 bankruptcy proceeding on March 23, 2009.

2. At the time Debtor commenced this proceeding, it was a Defendant in a pending action for damages and injunctive relief for copyright infringement filed by the National Board of Medical Examiners ("NBME") and the Federation of State Medical Boards ("the Federation") in the United States District Court for the Western District of

Tennessee styled *National Board of Medical Examiners and Federation of State Medical Boards v. Optima University LLC, Eihab Mohamed Suliman and John Does No. 1 through 10*, Civil Action No. 09-1043-JDB (the “Infringement Litigation”).

3. On April 16, 2009, NBME and the Federation filed in this case a Motion For Relief From Automatic Stay (Document # 22) (the “Motion”), seeking an order allowing them to continue prosecution of the Infringement Litigation. A hearing to consider the Motion is scheduled for May 13, 2009.

4. The Debtor, NBME, and the Federation have conferred and have reached the following agreement regarding the pending Motion, which they jointly request the Court to implement by way of this Stipulated Order. The Court finds that the requested relief is in the best interests of justice, is reasonable, and would not unduly prejudice any other creditors. Accordingly, it is hereby **ORDERED** as follows:

- a. The stay that would otherwise apply with respect to the Infringement Litigation under 11 U.S.C. § 362(a) is hereby lifted in accordance with the terms of this Stipulated Order.
- b. NBME and the Federation may immediately pursue each and every aspect of the Infringement Litigation through judgment on liability, including but not limited to pursuing party and third-party discovery, the resolution of any pending motions, the filing of additional motions, the joinder of additional defendants, and any other actions that NBME and the Federation elect to take in connection with the prosecution and pursuit of the Infringement Litigation and any interlocutory appeals in that action.

- c. The sole aspect as to which NBME and the Federation may not proceed at the present time is for a determination by the District Court in the Infringement Litigation of the amount of any compensatory or punitive damages that NBME and the Foundation may be entitled to recover from Debtor on their copyright infringement claims, in the event that there is a finding of infringement.
- d. NBME and the Federation may return to this Court at any time to request relief from the automatic stay as it remains in effect solely with respect to the determination and calculation of copyright damages that NBME and the Federation may be entitled to recover in the Infringement Litigation.

The parties hereby agree to the terms of this Agreed Order and approve the same for entry.

APPROVED FOR ENTRY:

FOR NBME and THE FEDERATION:

RAINEY, KIZER, REVIERE & BELL, P.L.C.

/s/ Charles C. Exum

*Charles C. Exum, BPR No 014837
Attorney for National Board of Medical Examiners
and Federation of State Medical Boards
105 South Highland Avenue
P O Box 1147
Jackson, TN 38301-1146
731-423-2414

FOR DEBTOR OPTIMA UNIVERSITY, LLC:

/s/ Steven L. Lefkovitz
Steven L. Lefkovitz
Lefkovitz and Lefkovitz
618 Church Street #410
Nashville, TN 37219

Certificate of Service

Upon entry of this Order a copy will be served by the United States Bankruptcy
Court by regular mail or electronic mail to the following:

U.S. Trustee,
Debtor
Debtor's Attorney
Attorney for Creditor cexum@raineykizer.com

Submitted this 19th day of May, 2009.

RAINEY, KIZER, REVIERE & BELL, P.L.C.

By: /s/ Charles C. Exum
Charles C. Exum, BPR No. 014837

Certificate of Service Page 5 of 5
CERTIFICATE OF NOTICE

District/off: 0651-1
Case: 09-11212

User: valeta
Form ID: pdford02

Page 1 of 1
Total Served: 1

Date Rcvd: May 20, 2009

The following entities were served by first class mail on May 22, 2009.
db +Optima University, LLC, 1774 Hwy 22, Mc Kenzie, TN 38201-1102

The following entities were served by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 22, 2009

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.